1993

Robert H. Peterson v. Virginia T. Peterson : Brief of Appellee

Utah Court of Appeals

Michael D. Esplin; Aldrich, Nelson, Weight and Esplin; Attorney for Appellee.
Robert H. Peterson; Appellant Pro-Se.

MICHAEL D. ESPLIN (1009)
ALDRICH, NELSON, WEIGHT & ESPLIN
Attorneys for Appellee
43 East 200 North
P.O. Box "L"
Provo, UT 84603-0200
Telephone: 373-4912

IN THE COURT OF APPEALS

STATE OF UTAH

ROBERT H. PETERSON,	:	
	:	
Appellant,	:	Case No. 930437-CA
	:	
vs.	:	Priority No. 15
	:	
VIRGINIA T. PETERSON,	:	
	:	
Appellee.	:	

BRIEF OF APPELLEE

APPEAL FROM A DECISION DENYING PLAINTIFF'S
REQUEST FOR A HEARING QUALIFIED DOMESTIC
RELATIONS ORDER
THE HONORABLE RAY M. HARDING, DISTRICT JUDGE

MICHAEL D. ESPLIN (1009)
ALDRICH, NELSON, WEIGHT & ESPLIN
43 East 200 North
P.O. Box "L"
Provo, UT 84603-0200

Attorney for Appellee

ROBERT H. PETERSON
APPELLANT
1373 East 400 South
Springville, UT 84663

Pro se

MICHAEL D. ESPLIN (1009)
ALDRICH, NELSON, WEIGHT & ESPLIN
Attorneys for Appellee
43 East 200 North
P.O. Box "L"
Provo, UT 84603-0200
Telephone: 373-4912

IN THE COURT OF APPEALS

STATE OF UTAH

ROBERT H. PETERSON,	:	
	:	
Appellant,	:	Case No. 930437-CA
	:	
vs.	:	Priority No. 15
	:	
VIRGINIA T. PETERSON,	:	
	:	
Appellee.	:	

BRIEF OF APPELLEE

APPEAL FROM A DECISION DENYING PLAINTIFF'S
REQUEST FOR A HEARING QUALIFIED DOMESTIC
RELATIONS ORDER
THE HONORABLE RAY M. HARDING, DISTRICT JUDGE

MICHAEL D. ESPLIN (1009)
ALDRICH, NELSON, WEIGHT & ESPLIN
43 East 200 North
P.O. Box "L"
Provo, UT 84603-0200

Attorney for Appellee

ROBERT H. PETERSON
APPELLANT
1373 East 400 South
Springville, UT 84663

Pro se

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Statutes

Cases

IN THE COURT OF APPEALS

STATE OF UTAH

ROBERT H. PETERSON,	:	
	:	
Appellant,	:	Case No. 930437-CA
	:	
vs.	:	Priority No. 15
	:	
VIRGINIA T. PETERSON,	:	
	:	
Appellee.	:	

BRIEF OF APPELLEE

JURISDICTION

The Court of Appeals has jurisdiction in this matter pursuant to the provisions of §78-2a-3(2)(i), Utah Code Annotated, as amended.

STATEMENT OF ISSUES

The following issues are presented for appeal:

Whether or not the trial court committed error in denying Appellant's Request for a Hearing Qualified Domestic Relations Order.

STATEMENT OF THE CASE

Appellant filed a Complaint for divorce on or about April 24, 1992, to which the Appellee filed an Answer and Counterclaim. On October 8, 1992, Appellant appeared pro se before Howard H. Maetani, Commissioner, for a default divorce proceeding based upon the terms of a Stipulation between the parties which was actually filed the following day, October 9, 1992. Neither Appellee nor her counsel were present at the time of the default hearing. On

October 9, 1992, Findings of Fact and Conclusions of Law, together with a Decree of Divorce were presented to the Commissioner, signed and entered. On November 19, 1992, Appellant filed a document entitled Motion for Change of Venue and a Property Settlement Trial and a Request for Hearing (Addendum Exhibit 1) to which Appellee filed a Response. Commissioner Maetani, after reviewing the matter and having made findings, recommended that the motion of the Appellant be denied. In the written Opinion of the Commissioner dated December 7, 1992, he specifically stated that the parties had ten (10) days to file specific written objections to his ruling with the clerk of the court.

Appellant then filed a document entitled Motion for Property Settlement Trial on December 8, 1992, (Addendum Exhibit 2) and on December 17, 1992, filed an Objection to Ruling (Addendum, Exhibit 3). On January 12, 1993, the Appellant filed a document entitled Motion to Correct and Amend the Decree of Divorce to Conform to the Law (Addendum, Exhibit 4). On January 13, 1993, District Judge Ray M. Harding entered an Order which upheld the recommendations and ruling of the Commissioner and denied Appellant's Motion for Change of Venue as inappropriate.

The Appellant next filed a document entitled Objection to Order and Request for Hearing on January 27, 1993, (Addendum, Exhibit 5). Judge Harding again considered the matter and again denied Appellant's motion on February 9, 1993.

On or about March 22, 1993, Appellant filed another motion entitled Request for a Hearing Qualified Domestic Relations Order

(Addendum, Exhibit 6), then on May 3, 1993, the Appellant filed a document entitled Request for a Hearing Qualified Domestic Relations Order (Addendum, Exhibit 7). Judge Harding, while indicating that he was not certain as to what the Appellant intended by the request, treated them as motions for relief from the Stipulation and Decree. The Court found that the requests did not raise any additional issues which had not previously been ruled upon by the Court and therefore denied the requests of Appellant. It is that denial on which the Appellant takes this appeal.

SUMMARY OF ARGUMENTS

Appellant's appeal should be dismissed as the issues raised concerning the original Decree are not timely.

Commissioner Maetani had the statutory authority to enter a Decree upon a Stipulation in a default hearing (especially where the moving party was the Appellant) based upon the provisions of Rule 6-401, Utah Code of Judicial Administration.

The lower court's denials of the various motions of the Appellant for relief from the Decree of Divorce were correct.

The remainder of issues raised by the Appellant are without merit.

The Appellant should be required to pay Appellee's attorney's fees and costs of this appeal.

ARGUMENTS

POINT I

APPELLANT'S APPEAL SHOULD BE DISMISSED AS IT IS NOT TIMELY.

As set forth in the facts recited above, the Appellant in this

case signed a Stipulation dated October 7, 1992, which dealt with the issues of the marriage. The Appellant then appeared before the Divorce Commissioner on October 8, 1992, and represented that the matter had been resolved by Stipulation of the parties. The Appellant was the only person who appeared before the Commissioner and gave grounds for the divorce. The Decree of Divorce was signed on the 9th day of October, 1992. The Appellant did not file any documents objecting to the Decree or Stipulation until November 19, 1992. Even giving the Appellant the benefit of the doubt and treating his Motion for Property Settlement Trial and Motion for Change of Venue as a motion for a new trial, said motion was not filed timely. A motion for new trial under Rule 59, Utah Rules of Civil Procedure, must be filed within ten (10) days of the entry of judgment. The motions of the Appellant were nonetheless considered by the Commissioner and denied. The objection of the Appellant was filed and the issue was considered by the District Court, Judge Ray M. Harding, who also denied the motions on the 13th of January, 1993.

At that time, treating the requests of the Appellant for trial as a motion for new trial, Appellant would have 30 days from the 13th of January, 1993, to appeal the Decree of Divorce. No appeal was filed.

The Appellant filed a similar set of motions, which Judge Harding considered and denied on February 9, 1993. Again, giving the Appellant the benefit of the doubt and considering the additional motions as requests for relief from the Decree under the

provisions of Rule 60(b)(3), Utah Rules of Civil Procedure, he would have 90 days from which to appeal the denial of said motions for relief. Appellant never did file an appeal from Judge Harding's ruling. Therefore, this appeal is not timely. Appellant cannot stretch his time to appeal by refiling motions on the same issues as he has done in this case. See Burgers v. Maiben, 652 P.2d 1320 (Utah 1982).

POINT II

COMMISSIONER MAETANI HAD THE STATUTORY AUTHORITY TO ENTER THE DECREE IN THIS CASE, AS THE MATTER WAS A DEFAULT AND COMES WITHIN THE AUTHORITY GRANTED BY RULE 6-401 OF THE UTAH CODE OF JUDICIAL ADMINISTRATION.

The Decree entered in this matter was properly within the authority of the Commissioner. As stated above, the matter was set as a default matter upon the stipulation of the parties and at the request of Appellant. The Decree entered was in accordance with the terms of the Stipulation of the parties. Rule 6-401(2)(G), Utah Code of Judicial Administration, specifically provides authority of the Commissioner to "Adjudicate default and uncontested divorces and uncontested modifications."

Appellant cites Holm v. Smilowitz, 840 P.2d 157 (Utah App. 1992) as authority for the proposition that the Commissioner in this case did not have the authority to act in the matter. However, that case specifically recognizes the authority of the Commissioner under Rule 6-401 to enter default decrees as was done in this case.

The Decree of Divorce in this case has been validly entered and the provisions of such should be binding upon the parties.

POINT III

THE LOWER COURT'S DENIAL OF THE VARIOUS MOTIONS OF THE APPELLANT FOR RELIEF FROM THE DECREE WAS CORRECT.

Appellant's argument that the Commissioner acted without authority in denying him an evidentiary hearing on the issues raised by his various motions for trial and change of venue is also without merit. Appellant cites Holm, supra., as authority for this contention. However, in the present case, the Commissioner did not enter a final order, but merely made recommendations to which the Appellant objected, following which, after consideration, the District Judge, denied Appellant's requests. This procedure is the procedure which is contemplated by Holm. As stated at 840 P.2d at 167:

> Rule 6-401 grants commissioners the authority and duty to, among other things, conduct hearing with parties and their counsel, and to make recommendations to the parties and the court regarding any issue in domestic relations. These provisions are clearly constitutional, since ultimate decision making remains with the judge.

In the present case, the Commissioner merely made recommendations to the Court which Judge Harding ultimately considered and ruled upon. The February 9, 1993, ruling was the result of a direct consideration of the Appellant's contention by Judge Harding without input or consideration of the Commissioner at all.

Further, the Court correctly ruled in holding the Appellant to the terms of the Decree where the Decree was based upon the Stipulation of the parties. Despite numerous assertions in the Stipulation entered into by the parties to the effect that the Appellant "specifically states that he is free of coercion, and

that no one is forcing him to give his approval to these terms;" that he felt the terms were reasonable and fair; that was under no obligation to enter into the Stipulation; the Appellant alleged that he was not bound. In court he was also questioned by the Commissioner on the record concerning his understanding and acceptance of the terms of the Stipulation without an indication from Appellant that he was at all hesitant or concerned about any of the terms. Under Maxwell v. Maxwell, 796 P.2d 403 (1990), the Appellant is bound unless he can show good cause. In this case the good cause suggested by the Appellant consists of complaints that the judicial system is gender biased which resulted in unfairness in the treatment of the Appellant. That allegation does not explain why the Appellant would agree to terms which he later claimed to be unfair. His complaint does not seem to be centered upon any claim that the Decree does not reflect the terms of the Stipulation, only that what he once agreed to is now unfair. His present "seller's remorse" does not constitute good cause for which the agreement of the parties should now be abrogated.

POINT IV

THE REMAINDER OF APPELLANT'S ARGUMENTS ARE WITHOUT MERIT.

Appellant raises additional arguments, such as requests that the appellate court make orders dividing the property, retirement and other requests which are not appropriate actions for an appellate court to take with the case in its present posture. Accordingly, Appellee does not respond to those additional issues.

POINT V

THE APPELLANT SHOULD BE REQUIRED TO PAY APPELLEE'S ATTORNEY'S FEES AND COSTS FOR THIS APPEAL.

Pursuant to Rule 33(a), Utah Rules of Appellate Procedure, the Appellant should be required to pay and the court should award attorney's fees and costs to the Appellee in the event the Court determines the appeal to be frivolous and without merit. In this matter, the record is clear that the Appellant has continually filed frivolous motions to which the Appellee has been required to respond. This action includes the appeal. Appellant has not raised any issues of merit in this appeal and the brief submitted is replete with inappropriate juvenile rantings condemning Appellee's counsel, the Court, and the judicial system.

CONCLUSION

Appellant's appeal in this matter should be denied and the decision of the lower court upheld. Appellee should be awarded her costs of appeal including a reasonable attorney's fee in this matter.

DATED this 2nd day of February, 1994.

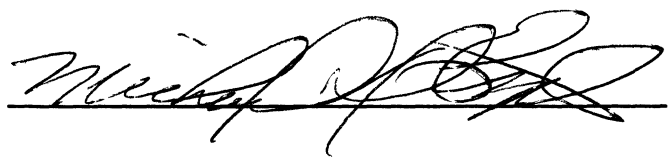
ALDRICH, NELSON, WEIGHT & ESPLIN

MICHAEL D. ESPLIN
Attorney for Appellee

MAILING CERTIFICATE

I hereby certify that I mailed, postage prepaid, this 2nd day of February, 1994, two copies of the foregoing Brief of Appellee to the following:

Robert H. Peterson
Pro Se
500 South Main
PO Box 435
Springville, UT 84663



ADDENDUM

Statutes

Utah Code Annotated, §78-2a-3(2)(i)

Utah Code of Judicial Administration, Rule 6-401

Utah Rules of Appellate Procedure, Rule 33(a)

Utah Rules of Civil Procedure, Rule 59

Utah Rules of Civil Procedure, Rule 60(b)(3)

Exhibits

Exhibit 1 - Motion for a Change of Venue and a Property Settlement Trial and a Request for a Hearing

Exhibit 2 - Motion for a Property Settlement Trial

Exhibit 3 - Objection to the Ruling of the Court Request for a Jury Trial

Exhibit 4 - Motion to Correct and Amend the Decree of Divorce to Conform to the Law

Exhibit 5 - Objection to the Order and Request for a Hearing

Exhibit 6 - Request for a Hearing Qualified Domestic Relations Order

Exhibit 7 - Request for a Hearing Qualified Domestic Relations Order

a successor is appointed and qualified. The presiding judge of the Court of Appeals shall receive as additional compensation $1,000 per annum or fraction thereof for the period served.

(2) The Court of Appeals shall sit and render judgment in panels of three judges. Assignment to panels shall be by random rotation of all judges of the Court of Appeals. The Court of Appeals by rule shall provide for the selection of a chair for each panel. The Court of Appeals may not sit en banc.

(3) The judges of the Court of Appeals shall elect a presiding judge from among the members of the court by majority vote of all judges. The term of office of the presiding judge is two years and until a successor is elected. A presiding judge of the Court of Appeals may serve in that office no more than two successive terms. The Court of Appeals may by rule provide for an acting presiding judge to serve in the absence or incapacity of the presiding judge.

(4) The presiding judge may be removed from the office of presiding judge by majority vote of all judges of the Court of Appeals. In addition to the duties of a judge of the Court of Appeals, the presiding judge shall:

(a) administer the rotation and scheduling of panels;

(b) act as liaison with the Supreme Court;

(c) call and preside over the meetings of the Court of Appeals; and

(d) carry out duties prescribed by the Supreme Court and the Judicial Council.

(5) Filing fees for the Court of Appeals are the same as for the Supreme Court. 1988

78-2a-3. Court of Appeals jurisdiction.

(1) The Court of Appeals has jurisdiction to issue all extraordinary writs and to issue all writs and process necessary:

(a) to carry into effect its judgments, orders, and decrees; or

(b) in aid of its jurisdiction.

(2) The Court of Appeals has appellate jurisdiction, including jurisdiction of interlocutory appeals, over:

(a) the final orders and decrees resulting from formal adjudicative proceedings of state agencies or appeals from the district court review of informal adjudicative proceedings of the agencies, except the Public Service Commission, State Tax Commission, Board of State Lands, Board of Oil, Gas, and Mining, and the state engineer;

(b) appeals from the district court review of:

(i) adjudicative proceedings of agencies of political subdivisions of the state or other local agencies; and

(ii) a challenge to agency action under Section 63-46a-12.1;

(c) appeals from the juvenile courts;

(d) appeals from the circuit courts, except those from the small claims department of a circuit court;

(e) interlocutory appeals from any court of record in criminal cases, except those involving a charge of a first degree or capital felony;

(f) appeals from a court of record in criminal cases, except those involving a conviction of a first degree or capital felony;

(g) appeals from orders on petitions for extraordinary writs sought by persons who are incarcerated or serving any other criminal sentence, except petitions constituting a challenge to a conviction of or the sentence for a first degree or capital felony;

(h) appeals from the orders on petitions for extraordinary writs challenging the decisions of the Board of Pardons except in cases involving a first degree or capital felony;

(i) appeals from district court involving domestic relations cases, including, but not limited to, divorce, annulment, property division, child custody, support, visitation, adoption, and paternity;

(j) appeals from the Utah Military Court; and

(k) cases transferred to the Court of Appeals from the Supreme Court.

(3) The Court of Appeals upon its own motion only and by the vote of four judges of the court may certify to the Supreme Court for original appellate review and determination any matter over which the Court of Appeals has original appellate jurisdiction.

(4) The Court of Appeals shall comply with the requirements of Title 63, Chapter 46b, in its review of agency adjudicative proceedings. 1992

78-2a-4. Review of actions by Supreme Court.

Review of the judgments, orders, and decrees of the Court of Appeals shall be by petition for writ of certiorari to the Supreme Court. 1986

78-2a-5. Location of Court of Appeals.

The Court of Appeals has its principal location in Salt Lake City. The Court of Appeals may perform any of its functions in any location within the state. 1986

CHAPTER 3

DISTRICT COURTS

Section

Section

78-3-1 to 78-3-2.

78-3-3. Term c

Judges of the c
tially until the f
three years afte
ment. Thereafte
district courts is
first Monday in
election. A judge
request of the J
appointed and qu

78-3-4. Jurisdi cuit c when merg

(1) The distric
matters civil an
Constitution an

(2) The distric
dinary writs an
effect their orde

(3) Under the
officer of the Ju
established by t
district court, w
jurisdiction of th
the circuit court
court in multipl
judge in single
cases may be m
upon the motio
When an order i
shall transmit t
court to which
court has the sa
originally comm
appeals from fin
Appeals.

(4) Appeals fi
decrees of the di
and 78-2a-3.

(5) The distri
agency adjudica
63, Chapter 46
shall comply wi
in its review o

(6) When a ci
late jurisdiction
trict court of th
merged into o
78-1-2.4, the d
Notwithstandi

Applicability

This rule shall apply to the Council, the Administrative Office, the Board of District Court Judges and the statutory panel

Statement of the Rule:

(1) The presiding officer of the Council shall appoint a panel of five district court judges in accordance with Utah Code Ann Section 77-10a-2 to hear information which may justify the calling of a grand jury

(2) One judge shall be appointed from the first or second district for a five year term, one judge shall be appointed from the third district for a four year term, one judge shall be appointed from the fourth district for a three year term, one judge shall be appointed from the fifth, sixth, seventh or eighth district for a two year term, and one judge shall be appointed from the third district for a one year term Following the first term all terms on the panel are for five years

(3) As vacancies occur or terms expire on the panel, the Board shall recommend to the presiding officer of the Council a judge to fill the unexpired portion of the term or to serve a new term

(4) The Court Administrator shall designate a staff member to serve as secretariat to the panel and to coordinate scheduling, budget and other administrative activities

(5) The Administrative Office, at the direction of the panel, shall annually publish a schedule which provides for a panel hearing in each judicial district every three years

(6) Thirty days prior to the hearing, the panel shall give public notice of the hearing

(7) The panel shall develop necessary procedures for its operation and shall publish such procedures as an appendix to this Code

(Added effective April 15, 1991)

ARTICLE 4.

DOMESTIC RELATIONS.

Rule 6-401. Domestic relations commissioners.

Intent:

To identify the types of cases and matters which commissioners are authorized to hear, to identify the types of relief which commissioners may recommend and to identify the types of final orders which may be issued by commissioners

To establish a procedure for judicial review of commissioners' decisions

Applicability

This rule shall govern all domestic relations court commissioners serving in the District Courts

Statement of the Rule:

(1) **Types of cases and matters.** All domestic relations matters filed in the district court in counties where court commissioners are appointed and serving including all divorce, annulment, paternity and spouse abuse matters, orders to show cause, scheduling and settlement conferences, petitions to modify divorce decrees scheduling conferences, and all other applications for relief, shall be referred to the commissioner upon filing with the clerk of the court unless otherwise ordered by the Presiding Judge of the District

(2) **Authority of Court Commissioner.** Court commissioners shall have the following authority

(A) Upon notice require the personal appearance of parties and their counsel,

(B) Require the filing of financial disclosure statements and proposed settlement forms by the parties,

(C) Obtain child custody evaluations from the Division of Family Services pursuant to Utah Code Ann Section 62A-4-106, or through the private sector,

(D) Make recommendations to the court regarding any issue in domestic relations or spouse abuse cases at any stage of the proceedings,

(E) Require counsel to file with the initial or responsive pleading, a certificate based upon the facts available at that time, stating whether there is a legal action pending or previously adjudicated in a district or juvenile court of any state regarding the minor child(ren) in the current case,

(F) At the commissioner's discretion, and after notice to all parties or their counsel, conduct evidentiary hearings consistent with paragraph (3)(C) below,

(G) Adjudicate default and uncontested divorces and uncontested modifications,

(H) Enter a default judgment or impose sanctions against any party who fails to comply with the commissioner's requirements of attendance or production of discovery,

(I) Impose sanctions against any person who acts contemptuously under Utah Code Ann Section 78-32-10,

(J) Issue temporary or ex parte orders,

(K) Conduct settlement conferences with the parties and their counsel for the purpose of facilitating settlement of any or all issues in a domestic relations case Issues which cannot be agreed upon by the parties at the settlement conference shall be certified to the district court for trial, and

(L) Conduct pretrial conferences with the parties and their counsel on all domestic relations matters unless otherwise ordered by the presiding judge The commissioner shall make recommendations on all issues under consideration at the pretrial and submit those recommendations to the district court

(3) **Duties of Court Commissioner.** Under the general supervision of the presiding judge, the court commissioner has the following duties prior to any domestic matter being heard by the district court

(A) Review all pleadings in each case,

(B) Certify those cases directly to the district court that appear to require a hearing before the district court judge,

(C) Except in cases previously certified to the district court, conduct hearings with parties and their counsel for the purpose of submitting recommendations to the parties and the court,

(D) Coordinate information with the juvenile *court regarding previous or pending proceedings* involving children of the parties, and

(E) Refer appropriate cases to mediation programs if available

(4) **Objections.** With the exception of pre trial orders, the commissioner's recommendation is the order of the court until modified by the court Any party objecting to the recommended order, shall file a written objection to the recommendation with the clerk of the court and serve copies on the commissioner's office and opposing counsel Objections shall be filed within ten days of the date the recommendation was made in open court or if taken under advisement, ten days after the date of the subsequent written recom-

mendation made by the commissioner. Objections shall be to specific recommendations and shall set forth reasons for each objection.

(5) **Judicial review.** Cases not resolved at the settlement or pretrial conference shall be set for trial on all issues not resolved. All other matters shall be reviewed in accordance with Rule 4-501.

(6) **Prohibitions.**

(A) Commissioners shall not make final adjudications of domestic relations matters other than default or uncontested divorces and modifications.

(B) Commissioners shall not serve as pro tempore judges in any matter, except as provided by Rule of the Supreme Court.

(Amended effective January 15, 1990; April 15, 1991.)

Rule 6-402. Repealed.

Rule 6-403. Shortening 90-day waiting period in domestic matters.

Intent:

To establish a procedure for shortening or waiving the 90-day waiting period in domestic cases.

Applicability:

This rule shall apply to the district courts.

Statement of the Rule:

(1) Proceedings on the merits of a divorce action shall not be heard by the district courts unless 90 days have elapsed from the time the complaint was filed or unless the Court finds that there is good cause for shortening or eliminating the waiting period and enters a formal order to that effect prior to the hearing date.

(2) Application for a hearing less than 90 days from the date the complaint was filed shall be made by motion and accompanied by an affidavit setting forth the factual matters constituting good cause. The motion and supporting affidavit(s) shall be served on the opposing party at least five days prior to the scheduled hearing unless the party is in default.

(3) In the event the Court finds that there is good cause for hearing in less than 90 days from the filing of the complaint, the facts constituting such cause shall be included in the findings of fact and presented to the Court for signature.

Rule 6-404. Modification of divorce decrees.

Intent:

To establish procedures for modification of existing divorce decrees.

Applicability:

This rule shall apply to all district courts.

Statement of the Rule:

(1) Proceedings to modify a divorce decree shall be commenced by the filing of a petition to modify in the original divorce action. Service of the petition and summons upon the opposing party shall be in accordance with the requirements of Rule 4 of the Utah Rules of Civil Procedure. No request for a modification of an existing decree shall be raised by way of an order to show cause.

(2) The responding party shall serve the reply within twenty days after service of the petition. Either party may file a certificate of readiness for trial. Upon filing of the certificate, the matter shall be referred to the domestic relations commissioner prior to trial, or in those districts where there is not a domestic relations commissioner, placed on the trial calendar.

(3) No petition for modification shall be placed on a law and motion or order to show cause calendar without the consent of the commissioner or the district judge.

Rule 6-405. Repealed.

Rule 6-406. Opening sealed adoption files.

Intent:

To establish uniform procedures for opening sealed adoption files and providing identifying information to adoptees and/or birth parents.

Applicability:

This rule shall apply to all district and juvenile courts.

Statement of the Rule:

(1) All requests to open sealed adoption files to obtain identifying information of adoptee or birth parents shall be initiated by filing a formal petition with the clerk of the court in the county where the adoption was granted. The petition must set forth in detail the reasons the information is desired and must be accompanied by a filing fee of $75.00. Neither a formal petition nor a filing fee is required to obtain certified copies of the decree.

(2) In cases where the petitioner is seeking specific medical information to aid in the preservation of the health of the petitioner, the petitioner must contact the Bureau of Vital Statistics and the adoption agency involved in the placement (if applicable) and make a request for all non-identifying information regarding the birth parents and other relatives. The petition must be accompanied by a letter from a licensed physician stating what the need is and whether the information is necessary for the preservation of the health of the petitioner.

(3) In cases where the petitioner is requesting the information for reasons other than to acquire specific medical data needed to aid in the preservation of the health of the petitioner, the petitioner must register with the Voluntary Adoption Registry established by the Bureau of Vital Statistics in accordance with Utah Code Ann. Section 78-30-18.

(4) Upon receipt of the petition, filing fee, and supporting documents, the court may set the matter for hearing. Petitioner shall give notice of the hearing date and time to the placement agency or the attorney who handled the private placement. The notice shall advise the placement agency or the attorney of the petition and request their attendance at the hearing or their written response to the petition.

(5) After a hearing, the court shall make specific findings of fact that good cause exists and that the adoption records shall be opened to petitioner. The findings shall address such issues as whether the birth parents should be notified of the petition and given the opportunity to respond, and if it is not possible to contact the birth parents, why the adoptee's need to know overrides the duty of confidentiality owed to the birth parents.

(6) Upon a finding of good cause to open to the adoption records, the court shall specify which records or portions of records the petitioner may have access to. The court should be sensitive to the fact that some of the records may not be appropriate for release to the adoptee, including agency notes regarding the personal observations of the birth parents and the circumstances surrounding the birth, etc. The court shall carefully consider what effect the release of such information would have on the parties involved and may restrict access to such information in the court records as well as the records of the adoption agency.

tice or judge concurring or dissenting may likewise give reasons in writing and file the same with the clerk. The entry by the clerk in the records of the court shall constitute the entry of the judgment of the court.

(d) **Decision without opinion.** If, after oral argument, the court concludes that a case satisfies the criteria set forth in Rule 31(b), it may dispose of the case by order without written opinion. The decision shall have only such effect as precedent as is provided for by Rule 31(f).

(e) **Notice of decision.** Immediately upon the entry of the decision, the clerk shall give notice to the respective parties and make the decision public in accordance with the direction of the court.

(Amended effective October 1, 1992.)

Rule 31. Expedited appeals decided after oral argument without written opinion.

(a) **Motion and stipulation for expedited hearing.** After the filing of all briefs in an appeal, a party may move for an expedited decision without a written opinion. The motion shall be in the form prescribed by Rule 23 and shall describe the nature of the case, the issues presented and any special reasons the parties may have for an expedited decision. The court may dispose of any qualified case under this rule upon its own motion before or after oral argument.

(b) **Cases which qualify for expedited decision.** The following are matters which the court may consider for expedited decision without opinion:

(1) appeals involving uncomplicated factual issues based primarily on documents;

(2) summary judgments;

(3) dismissals for failure to state a claim;

(4) dismissals for lack of personal or subject matter jurisdiction; and

(5) judgments or orders based on uncomplicated issues of law.

(c) In all motions brought under this rule, the substantive rules of law should be deemed settled, although the parties may differ as to their application.

(d) **Appeals ineligible for expedited decision.** The court will not grant a motion for an expedited appeal in cases raising substantial constitutional issues, issues of significant public interest, issues of law of first impression, or complicated issues of fact or law.

(e) **Procedure if expedited motion is granted.** If a motion for expedited decision is granted, the appeal will be given an expedited setting for oral argument within 45 to 60 days from the date of the order granting the motion. Within two days after submission of the appeal, the court will conference, decide the case, and issue a written order which need not be accompanied by an opinion. Entry of the order by the clerk in the records of the court, shall constitute the entry of the judgment of the court.

(f) Effect as precedent. Appeals decided under this rule will not stand as precedent, but, in other respects, will have the same force and effect as other decisions of the court.

(g) **Issuance of written opinion.** If it appears to the court after the case has been submitted for decision that a written opinion should be issued, the time limitation in paragraph (e) shall not apply and the parties will be so notified.

(Amended effective October 1, 1992.)

Rule 32. Interest on judgment.

Unless otherwise provided by law, if a judgment for money in a civil case is affirmed, whatever interest is allowed by law shall be payable from the date the judgment was entered in the trial court.

Rule 33. Damages for delay or frivolous appeal; recovery of attorney's fees.

(a) **Damages for delay or frivolous appeal.** Except in a first appeal of right in a criminal case, if the court determines that a motion made or appeal taken under these rules is either frivolous or for delay, it shall award just damages, which may include single or double costs, as defined in Rule 34, and/or reasonable attorney fees, to the prevailing party. The court may order that the damages be paid by the party or by the party's attorney.

(b) **Definitions.** For the purposes of these rules, a frivolous appeal, motion, brief, or other paper is one that is not grounded in fact, not warranted by existing law, or not based on a good faith argument to extend, modify, or reverse existing law. An appeal, motion, brief, or other paper interposed for the purpose of delay is one interposed for any improper purpose such as to harass, cause needless increase in the cost of litigation, or gain time that will benefit only the party filing the appeal, motion, brief, or other paper.

(c) **Procedures.**

(1) The court may award damages upon request of any party or upon its own motion. A party may request damages under this rule only as part of the appellee's motion for summary disposition under Rule 10, as part of the appellee's brief, or as part of a party's response to a motion or other paper.

(2) If the award of damages is upon the motion of the court, the court shall issue to the party or the party's attorney or both an order to show cause why such damages should not be awarded. The order to show cause shall set forth the allegations which form the basis of the damages and permit at least ten days in which to respond unless otherwise ordered for good cause shown. The order to show cause may be part of the notice of oral argument.

(3) If requested by a party against whom damages may be awarded, the court shall grant a hearing.

Rule 34. Award of costs.

(a) **To whom allowed.** Except as otherwise provided by law, if an appeal is dismissed, costs shall be taxed against the appellant unless otherwise agreed by the parties or ordered by the court; if a judgment or order is affirmed, costs shall be taxed against appellant unless otherwise ordered; if a judgment or order is reversed, costs shall be taxed against the appellee unless otherwise ordered; if a judgment or order is affirmed or reversed in part, or is vacated, costs shall be allowed as ordered by the court. Costs shall *not be allowed or taxed in a criminal case.*

(b) **Costs for and against the state of Utah.** In cases involving the state of Utah or an agency or officer thereof, an award of costs for or against the state shall be at the discretion of the court unless specifically required or prohibited by law.

(c) **Costs of briefs and attachments, record, bonds and other expenses on appeal.** The following may be taxed as costs in favor of the prevailing party in the appeal: the actual costs of a printed or typewritten brief or memoranda and attachments not to exceed $3.00 for each page; actual costs incurred in the preparation and transmission of the record, including costs of the reporter's transcript unless other-

ploying them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney's fees, and any offending party or attorney may be adjudged guilty of contempt.

Rule 57. Declaratory judgments.

The procedure for obtaining a declaratory judgment pursuant to Chapter 33 of Title 78, U.C.A. 1953, shall be in accordance with these rules, and the right to trial by jury may be demanded under the circumstances and in the manner provided in Rules 38 and 39. The existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate. The court may order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar.

Rule 58A. Entry.

(a) **Judgment upon the verdict of a jury.** Unless the court otherwise directs and subject to the provisions of Rule 54(b), judgment upon the verdict of a jury shall be forthwith signed by the clerk and filed. If there is a special verdict or a general verdict accompanied by answers to interrogatories returned by a jury pursuant to Rule 49, the court shall direct the appropriate judgment which shall be forthwith signed by the clerk and filed.

(b) **Judgment in other cases.** Except as provided in Subdivision (a) hereof and Subdivision (b)(1) of Rule 55, all judgments shall be signed by the judge and filed with the clerk.

(c) **When judgment entered; notation in register of actions and judgment docket.** A judgment is complete and shall be deemed entered for all purposes, except the creation of a lien on real property, when the same is signed and filed as herein above provided. The clerk shall immediately make a notation of the judgment in the register of actions and the judgment docket.

(d) **Notice of signing or entry of judgment.** The prevailing party shall promptly give notice of the signing or entry of judgment to all other parties and shall file proof of service of such notice with the clerk of the court. However, the time for filing a notice of appeal is not affected by the notice requirement of this provision.

(e) **Judgment after death of a party.** If a party dies after a verdict or decision upon any issue of fact and before judgment, judgment may nevertheless be rendered thereon.

(f) **Judgment by confession.** Whenever a judgment by confession is authorized by statute, the party seeking the same must file with the clerk of the court in which the judgment is to be entered a statement, verified by the defendant, to the following effect:

(1) If the judgment to be confessed is for money due or to become due, it shall concisely state the claim and that the sum confessed therefor is justly due or to become due;

(2) If the judgment to be confessed is for the purpose of securing the plaintiff against a contingent liability, it must state concisely the claim and that the sum confessed therefor does not exceed the same;

(3) It must authorize the entry of judgment for a specified sum.

The clerk shall thereupon endorse upon the statement, and enter in the judgment docket, a judgment of the court for the amount confessed, with costs of entry, if any.

(Amended effective Sept. 4, 1985; Jan. 1, 1987.)

Rule 58B. Satisfaction of judgment.

(a) **Satisfaction by owner or attorney.** A judgment may be satisfied, in whole or in part, as to any or all of the judgment debtors, by the owner thereof, or by the attorney of record of the judgment creditor where no assignment of the judgment has been filed and such attorney executes such satisfaction within eight years after the entry of the judgment, in the following manner: (1) by written instrument, duly acknowledged by such owner or attorney; or (2) by acknowledgment of such satisfaction signed by the owner or attorney and entered on the docket of the judgment in the county where first docketed, with the date affixed and witnessed by the clerk. Every satisfaction of a part of the judgment, or as to one or more of the judgment debtors, shall state the amount paid thereon or for the release of such debtors, naming them.

(b) **Satisfaction by order of court.** When a judgment shall have been fully paid and not satisfied of record, or when the satisfaction of judgment shall have been lost, the court in which such judgment was recovered may, upon motion and satisfactory proof, authorize the attorney of the judgment creditor to satisfy the same, or may enter an order declaring the same satisfied and direct satisfaction to be entered upon the docket.

(c) **Entry by clerk.** Upon receipt of a satisfaction of judgment, duly executed and acknowledged, the clerk shall file the same with the papers in the case, and enter it on the register of actions. He shall also enter a brief statement of the substance thereof, including the amount paid, on the margin of the judgment docket, with the date of filing of such satisfaction.

(d) **Effect of satisfaction.** When a judgment shall have been satisfied, in whole or in part, or as to any judgment debtor, and such satisfaction entered upon the docket by the clerk, such judgment shall, to the extent of such satisfaction, be discharged and cease to be a lien. In case of partial satisfaction, if any execution shall thereafter be issued on the judgment, such execution shall be endorsed with a memorandum of such partial satisfaction and shall direct the officer to collect only the residue thereof, or to collect only from the judgment debtors remaining liable thereon.

(e) **Filing transcript of satisfaction in other counties.** When any satisfaction of a judgment shall have been entered on the judgment docket of the county where such judgment was first docketed, a certified transcript of satisfaction, or a certificate by the clerk showing such satisfaction, may be filed with the clerk of the district court in any other county where the judgment may have been docketed. Thereupon a similar entry in the judgment docket shall be made by the clerk of such court; and such entry shall have the same effect as in the county where the same was originally entered.

Rule 59. New trials; amendments of judgment.

(a) **Grounds.** Subject to the provisions of Rule 61, a new trial may be granted to all or any of the parties and on all or part of the issues, for any of the following causes; provided, however, that on a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment:

(1) Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or

abuse of discretion by which either party was prevented from having a fair trial.

(2) Misconduct of the jury; and whenever any one or more of the jurors have been induced to assent to any general or special verdict, or to a finding on any question submitted to them by the court, by resort to a determination by chance or as a result of bribery, such misconduct may be proved by the affidavit of any one of the jurors.

(3) Accident or surprise, which ordinary prudence could not have guarded against.

(4) Newly discovered evidence, material for the party making the application, which he could not, with reasonable diligence, have discovered and produced at the trial.

(5) Excessive or inadequate damages, appearing to have been given under the influence of passion or prejudice.

(6) Insufficiency of the evidence to justify the verdict or other decision, or that it is against law.

(7) Error in law.

(b) **Time for motion.** A motion for a new trial shall be served not later than 10 days after the entry of the judgment.

(c) **Affidavits; time for filing.** When the application for a new trial is made under Subdivision (a)(1), (2), (3), or (4), it shall be supported by affidavit. Whenever a motion for a new trial is based upon affidavits they shall be served with the motion. The opposing party has 10 days after such service within which to serve opposing affidavits. The time within which the affidavits or opposing affidavits shall be served may be extended for an additional period not exceeding 20 days either by the court for good cause shown or by the parties by written stipulation. The court may permit reply affidavits.

(d) **On initiative of court.** Not later than 10 days after entry of judgment the court of its own initiative may order a new trial for any reason for which it might have granted a new trial on motion of a party, and in the order shall specify the grounds therefor.

(e) **Motion to alter or amend a judgment.** A motion to alter or amend the judgment shall be served not later than 10 days after entry of the judgment.

Rule 60. Relief from judgment or order.

(a) **Clerical mistakes.** Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

(b) **Mistakes; inadvertence; excusable neglect; newly discovered evidence; fraud, etc.** On motion and upon such terms as are just, the court may in the furtherance of justice relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of an adverse party; (4) when, for any cause, the summons in an action has not been personally served upon the defendant as required by Rule 4(e) and the defendant has failed to appear in said action; (5) the judgment is void; (6) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (7) any other reason justifying relief from the operation of the judgment. The motion shall be made within a reasonable time and for reasons (1), (2), (3), or (4), not more than 3 months after the judgment, order, or proceeding was entered or taken. A motion under this Subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order or proceeding or to set aside a judgment for fraud upon the court. The procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

Rule 61. Harmless error.

No error in either the admission or the exclusion of evidence, and no error or defect in any ruling or order or in anything done or omitted by the court or by any of the parties, is ground for granting a new trial or otherwise disturbing a judgment or order, unless refusal to take such action appears to the court inconsistent with substantial justice. The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

Rule 62. Stay of proceedings to enforce a judgment.

(a) **Stay upon entry of judgment.** Execution or other proceedings to enforce a judgment may issue immediately upon the entry of the judgment, unless the court in its discretion and on such conditions for the security of the adverse party as are proper, otherwise directs.

(b) **Stay on motion for new trial or for judgment.** In its discretion and on such conditions for the security of the adverse party as are proper, the court may stay the execution of, or any proceedings to enforce, a judgment pending the disposition of a motion for a new trial or to alter or amend a judgment made pursuant to Rule 59, or of a motion for relief from a judgment or order made pursuant to Rule 60, or of a motion for judgment in accordance with a motion for a directed verdict made pursuant to Rule 50, or of a motion for amendment to the findings or for additional findings made pursuant to Rule 52(b).

(c) **Injunction pending appeal.** When an appeal is taken from an interlocutory or final judgment granting, dissolving, or denying an injunction, the court in its discretion may suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such conditions as it considers proper for the security of the rights of the adverse party.

(d) **Stay upon appeal.** When an appeal is taken the appellant by giving a supersedeas bond may obtain a stay, unless such a stay is otherwise prohibited by law or these rules. The bond may be given at or after the time of filing the notice of appeal. The stay is effective when the supersedeas bond is approved by the court.

(e) **Stay in favor of the state, or agency thereof.** When an appeal is taken by the United States, the state of Utah, or an officer or agency of either, or by direction of any department of either, and the operation or enforcement of the judgment is stayed, no bond, obligation, or other security shall be required from the appellant.

Robert H. Peterson acting pro se
500 South Main P.O. Box 435
Springville, Utah 84663
Telephone: (801) 222-8000 ext.550 or 519

IN THE DISTRICT COURT OF THE FOURTH DISTRICT

IN AND FOR UTAH COUNTY, STATE OF UTAH

ROBERT H. PETERSON Plaintiff	:	MOTION FOR A CHANGE OF VENUE AND A PROPERTY SETTLEMENT TRIAL AND A REQUEST FOR A HEARING
VIRGINIA T. PETERSON Defendant	:	Judge Harding
	:	Civil No. 924400839

Comes now the Plaintiff declaring the signature on all Divorce documents, and on the document setting up the conditions of the interim period, signed by the Plaintiff, were obtained by lies, fraud and coercion and financial hardship. The bias of this Court for the Defendant and her Counsel, and against any person acting pro se, amounts to coercion on the part of the Court. The Court has allowed the Counsel to fill in words, in statements made by the Court, and thus mold the thinking of the Court. The golden rule of this Court is; to denie each and every request by the person acting pro se, no matter how benign that request might be. The Court has systematically denied the Plaintiff's request to review the atrocious conditions imposed by this Court of inequity. By this Court, an order has been issued to grant to the Defendant an income of $992.5/month from pager-voice-mail leases, $400/month from the Four-Plex, $88/month interest, $140/month from a sale, $200/month from student rental and to garnish half of the Plaintiff's $1,800 a month income.

EXHIBIT 1

2. This was granted to the Defendant for a total sitting-on-her-professional-fanny income of $2,580.50 per month. The Defendants expenses, without a mortgage payment were about $580/ month. Thus this Court has ordered that the Defendant should have $2,000 per month to squirrel away in her secret bank accounts each month, in keeping with the past 32 years. Thus the court would have her gain $2,000 each month of the estate and denie the Plaintiff enough of his earnings to live on. Thus by order of the Court she would have $14,000 in the secret account over the seven months of trial. The Plaintiff, by this Court's order was granted, $900/month of his wages and thus has been denied the right to counsel by the Court's own order. The right to Counsel is a basic God-given-constitutional right denied by the Court through the above atrocity. The income ($900) granted by this Court of inequity, could not support the Plaintiff's need for food, clothing and shelter, thus there was no opportunity for the Plaintiff to have Counsel. By order of the Court the Defendant has had the most expensive counsel available, with the very best delay tactics, in the Country, paid for by the Plaintiff each month. The Plaintiff requested a trial date on Aug.6, 1992. The Defendant had no intention of bringing this matter to trial with a Court ordered $2,000/month advantage.

3. The Court has totally ignored the law in this case, by granting the Defendant control over all of the assets of the estate and requiring no accountability to the Plaintiff. The Court has violated the purpose and the spirit of this law. The law clearly states that the property shall be divided in half, and provides no

provision for one party to have complete control on a temporary, or a permanent basis. In addition to the above atrocity the Defendant paid nothing for the home she occupied. She was to obtain this from the savings of the Plaintiff at a later date, and did exactly that. Thus the income for the Defendant was $2,580.50 plus a mortgage payment of $530 or $3,110.5 per month. What possible incentive would the Defendant have to settle? If the Defendant had gone to work at her profession, she would have had over $4,000/month coming in. She is a professional teacher with a college degree and over 10 years of teaching experience. No court of equity would grant temporary or permanent alimony in this case. I would like to be shown a case where a professional person of this caliber has received alimony from her exact counter part. This can happen only in this Court, a Court of extreme bias.

4. She paid nothing for seven months toward the mortgage of the home she lives in, with the Courts approval. She had access to her undeclared estate, and monies stolen from the marriage, and was never required to account for these funds. ALL motions to the Court concerning accountability have been systematically ignored or denied. It is clear that the Court did not intend accountability since the Court refuses to require the Defendant to show where the $7,000 that was taken from the joint accounts was spent. The Court has willfully allowed the Defendant to take money from the accounts frozen by the Court, and place those funds in accounts, not frozen by the Court. This Court of inequity, has frozen all of the accounts of the Plaintiff. The Defendants Counsel selected which

accounts were to be frozen and the Plaintiff was denied any change in that one sided policy.

5. During the interim period the Plaintiff wrote up several divisions of the property in the first and second person, and gave the Defendant the opportunity to choose any party, of any split. She, at the advice of counsel, declined any such offer. The Plaintiff set up a meeting with an arbitrator(CPA) of the Defendants choice. She never showed up. Her Counsel knew of the bias of the Court and thus steered her clear of anything that wouldn't give her the total; or very near, the total of the estate. Counsel was aware of the bias of the Court from past experience.

6. The bias of the Court was very clear when the Plaintiff ask the Court to grant a divorce, and have a property settlement on the 2nd of December. This was a request that would not have made one cent difference in the outcome of the trial. This was denied without hearing any arguments for or against. The Counsel for the Defendant filled in the Courts words "the Plaintiff needs more incentive to settle." This message from the Court was very clear;

SIGN EVERYTHING YOU HAVE, OVER TO THE DEFENDANT, OR I WILL.

Rather than to go through the mockery of a trial, I have signed a document doing just that. My only hope for equity, is an appeal to another Court.

Dated this day the 7th day of October 1992.

_____

Robert H. Peterson (Plaintiff)

Robert H. Peterson acting pro se
BOX 435
Springville, Utah 84663
Telephone: (801) 222-8000 ext.550 or 519

IN THE DISTRICT COURT OF THE FOURTH DISTRICT

IN AND FOR UTAH COUNTY, STATE OF UTAH

ROBERT H. PETERSON Plaintiff	:	MOTION FOR A PROPERTY SETTLEMENT TRIAL
VIRGINIA T. PETERSON Defendant	:	Civil No. 924400839

STATE OF UTAH)
:ss
COUNTY OF UTAH)

1. Comes now, the Plaintiff having been coerced into signing a documents pertaining to the divorce of the above parties, requests a trial for the purpose of granting the Plaintiff an opportunity to be represented by counsel in an unbiased court of law and to have that portion of the estate that the law decrees is his, granted to him.

2. The divorce as it now stands is a farce. Since no accountability was required by the Court and none is written into the divorce, there could be any amount of money, in any of the bank accounts granted to the Defendant. No accurate appraisal was made of the property. The appraisals were done by the Defendants brother and do not reflect the true value of the property held by the Defendant. None of the estate owned by the Defendant was ever revealed to the Court or the Plaintiff. She was never required to state where her Utah State retirement was or the amount held. She

was never required to show where the family investments were or the amount accrued. If she claimed these moneys to be inherited the Court required no proof of inherited money, so family investments were designated by the Defendant as inherited, and were not considered in the proceedings. She was free to move money in and out of the accounts, while the Plaintiff was ordered not to touch any of his personal savings. Fourteen thousand dollars of the Plaintiffs personal savings were given to the Defendant prior to the Divorce to pay the outstanding bills on the home. None of these bills have been paid except the amount given to counsel for the Defendant obtained by fraud. This money has been tucked away as all other funds have been for the past 32 years of marriage.

3. A verbal agreement, as reflected in the divorce, was that each party was to pay his or her own attorneys fees. A few days prior to the marriage of the Plaintiff counsel for the Defendant added a $2,000 attorney fee to be paid to her as though it was in the cost of redeeming the home. She was hoping that since the Plaintiff had no counsel and could not afford it, he would not see this addition. The Plaintiff stated clearly, directly, to Marilyn Brown, counsel for the Defendant, that he was being coerced into signing this agreement. She knew the Plaintiff had no counsel in this matter and she knew that because of the pending marriage of the Plaintiff that he would sign anything to be rid of the hate, in his life and marry someone that truly loves him. Seven months of two to four hours of sleep ,living in abject poverty, loosing ones health, and the ability to perform on the job, and the pending marriage put the

Plaintiff in a very susceptible position.

4. Thus the counsel for the Defendant entrapped the Plaintiff by having him sign something she new was a farce but something she thought would hold up in Court.

5. Thus, each time the Plaintiff came to sign the documents new paragraphs were added with no discussion.

6. The bias of the Court did not require accountability. The Court rubber stamped all documents submitted by Counsel for the Defendant with out examination. There is no lease with the amount $398/ month as stated, there is only a lease for $700/ month and two others in the Plaintiffs name for a total of $195/ month and one in the Defendants name at $97.5/month. This is another attempt on the part of the Defendant's counsel to defraud the Plaintiff and to keep the accured amounts in each account belonging to the Plaintiff. No attempt has been made to pay any of these funds due or abide in any way by the unjust terms of this atrocity.

7. If the Court had required the Defendant to account for the funds stolen from frozen accounts this would have revealed the atrocity of the settlement. Any such accountability would have shown this settlement in clear violation of the law and equity. It is not equitable that the Defendant have half of the Plaintiff's retirement and the income from the Four-Plex. The Divorce as it now stands, grants the idler double the retirement of the worker. The Defendant made no payments from her income for the home, or the Four-Plex, or the retirement of the Plaintiff. All of the Defendants income and much of the family investments, were tucked

away in her accounts and labled inheritance, never to be used except for separate vacations and items that benefited her only.

8. She has contributed little or nothing in terms of labor to maintain these properties. Why then would a Court of equity grant to her all of these assets? The only answer is, that the Court bought the "poor-housewife-act", that she is so good at. It is not lawful or fair that all of the property and all of the good investments of the marriage, amounting to hundreds of thousands of dollars, be granted to Defendant and the near worthless investments, amounting to a few thousand dollars be granted to the Plaintiff.

9. The Defendant was angry at the Plaintiff for slamming the door at 8:00 AM, on his way to work and waking her. She often complained the apartments or the home needed repair, that the lawn needed to be mowed, or the garden weeded, since the work of maintenance was assigned to the Plaintiff by the Defendant. As might be expected she collected the rent.

10. To let this atrocity stand, would confirm, that there is no equity in the Courts. We have lost our right to a trial by a jury of our peers in the divorce court, the tax court, in foreclosure and is rarely granted in any other court. If this divorce stands , then we can say, the constitutional right to counsel has also been lost. Our courts are nothing but a big business, designed to delay, intimidate, agitate and avoid the issue until the lawyers have most of the property in question.

Dated this day December 8, 1992.

The Plaintiff Robert H. Peterson Robert H. Peterson

Robert H. Peterson acting pro se
500 South Main
Springville, Utah 84663
Telephone: (801) 222-8000 ext.550 or 519

IN THE DISTRICT COURT OF THE FOURTH DISTRICT

IN AND FOR UTAH COUNTY, STATE OF UTAH

ROBERT H. PETERSON Plaintiff	:	OBJECTION TO THE RULING OF THE COURT REQUEST FOR A JURY TRIAL
VIRGINIA T. PETERSON Defendant	:	COMMISSIONER MAETANI Civil No. 924400839

Comes now the Plaintiff objects to the ruling of the Court since none of the items raised by the Plaintiff were addressed in the Ruling. The question of representation for the Plaintiff was not considered by the Court. The question of equity according to the law has not been considered by the Court. The Court has not considered the question of accountability according to the law.

The history of this endless case, and as long as there is no trail it will be endless, as outlined by the Court reinforces the rubber stamping of all matters brought before the Court by the Defendant's counsel and consistently ignoring all matters brought before the Court by the Plaintiff, no matter how insignificant the item may be. It should be noted that the Court in it's total bias in this matter denied the Plaintiff's request for a ruling on the bases of some violation of procedure, but was very prompt to respond the Defendants request without input from the Plaintiff or without the benefit of a hearing.

The Court in it's bias has denied the Plaintiff his constitutional right to a hearing on all matters before the Court. The Court would not want the counsel for the Defendant to testify ,and set in the record, the fact that before signing any documents the Plaintiff said verbally to that "counsel" on two occasions that he was being coerced. The Court did note correctly that the Plaintiff did sign the Request for a Hearing and the Stipulation on the same day so that there could be NO question the Plaintiff was being coerced. It is very important that the Court recognize that both written and verbal testimony exits that the Plaintiff was coerced.

The history of this matter as outlined by the Court in it's Ruling is void of the inputs of the Plaintiff that point to the coercion used against him. The Court has been consistently blind and deaf to the inputs of the Plaintiff. The Court allowed the proceedings to continue with the Defendant (the idler) with over a $2,400/month rent-free income and granted the Plaintiff (the worker) $900/month. This set up the Plaintiff with the most expensive wheel-spinning counsel available and forced the Plaintiff to fire his counsel for obvious economic reasons. When the Plaintiff brought this matter before the Court the response of this Court of inequity was that "the Plaintiff needs more incentive to settle". The Court denied the benign request that the divorce take place and then a property settlement trial take place on Dec. 2.

This would have given the Plaintiff access to the funds of his present wife, and defeated the whole purpose of the Court to force the Plaintiff to sign over his share of property by coercion and to keep him from proper counsel.

In the matter of the income from the investments stolen by the Defendant from frozen accounts and the income from the Four-Plex, the Plaintiff was promised by the Court over and over again that there would be an accounting. It was pointed out to the Plaintiff that all of these funds would be accounted for. That would cause a hardship on the counsel for the Defendant. It is clear that the Court had no intention of ever having any form of accounting. An accounting would reveal the atrocity of this inequitable settlement, and would clearly show the Plaintiff has been coerced into signing all documents. The Court seems think the number of various documents signed, or statements sworn to, in this matter verifies that no coercion was present. The meat grinder of coercion was set up by the Court through the unwarranted garnishment of the Plaintiff's wages for les that $10/month more than was being paid by the plaintiff. The Court in it's criminal bias, allowed a unwarranted garnishment to occur that was against the law. The Court, in it's bias, would have the Plaintiff pay half of his take home pay to a Professional teacher, his exact counter part, unheard of in any court of law. Fortunately the law would not allow this unprecedented atrocity to take place. The signing of this document allowing this atrocity was obtained by the lie "that one $900/month payment would make the Plaintiff a free man". To be free from the

theft, greed and Satanic hate of his present wife, for a mere $900 was at the time a bargain the Plaintiff could not pass by. The truth of the matter was that this was the divorce decree. This meat grinder was to be in place until the Plaintiff signed over everything. There was no trial set, nor was any trial contemplated, that was another lie just like the lie of accountability.

The Court has chosen in it's ruling not to put any estimated value on the division of property. The Four-Plex has been shown to be worth half of the estate. At this time the equity is about $51,000 and going up at $10,000/year. With the mortgage on the home paid the equity there is about $40,000. The Defendant has over $30,000 in her personal undeclared estate $15,000 of which was obtained in family investments and labeled "inherited" by the Defendant with no accountability required by the Court. With another $11,000 from pager leases and about that amount saved during the litigation as ordered by the Court, half of the workers retirement ($65,000) the idler has a settlement of about $197,000. The Plaintiff was required to give up his savings at the Key of $14,000 and give that money to the idler living him with a $10,000 investment with Boston $2,400 in bonds and $1,800 in bioteck stock. This is a total of $14,200 as opposed to $197,000. Note that the defendants half of the voice-mail and pager lease was not included since it is clear the Court has no intention of forcing that payment or correcting the amount of that payment as per the divorce.

This Court would have the world believe that this atrocity was obtained without coercion. If there was no coercion, and if the Plaintiff had been represented with proper counsel, the above claim in and of itself would warrant a trial. Since the Court has shown to have unparalleled bias in this matter the Plaintiff requests a trial by a jury of his peers as his God given constitutional right. The founding fathers put that right in the constitution to guard against the very atrocity show above.

Dated this the 17th day of December 1992.

Robert H Peterson

Robert H. Peterson (Plaintiff)

Robert H. Peterson acting pro se
Box 435
Springville, Utah 84663
Telephone: (801) 222-8000 ext.550 or 519 or 489-7490

IN THE DISTRICT COURT OF THE FOURTH DISTRICT

IN AND FOR UTAH COUNTY, STATE OF UTAH

ROBERT H. PETERSON Plaintiff	:	MOTION TO CORRECT AND AMEND THE DECREE OF DIVORCE TO CONFORM TO THE LAW COMMISSIONER MAETANI Civil No. 924400839
VIRGINIA T. PETERSON Defendant	:	

1. Whereas the Plaintiff, having been denied his constitutional rights, to counsel, to a trial, and access to his estate via the Court's unprecedented bias, requests, that the Court consider the aspects of a long-needless-public appeal during 1993 and order the following amendments to the Decree of Divorce be granted to conform this Divorce, to the laws of divorce in the State of Utah.

a. That the four-plex in question should be sold by the Accountant Sidney Gilbert (the Defendants choice) and that the the Court order him to evaluate the estate and to grant to the Plaintiff his half of the estate in cash from the said sale, and to the Defendant her half of the estate.

b. That all bank accounts holding family investments or income, regardless of the name or names on the accounts, such as the $700/ voice mail system lease, the three $97.50/month leases, the income from the four-plex and the total income thereof and of all investments, be split from January 1,1992 to the expiration of the said leases as per the Laws of the State of Utah (50/50).

c. That the home in question be granted to the Defendant, and that the equity therein be counted as part of her half of the estate.

2. The Plaintiff requests that, paragraphs 25 through 31 be stricken from the Stipulation and the like paragraphs from the Decree of Divorce. These paragraphs were written by Marilyn Brown to cover her illegal and criminal actions, as an officer of the Court, and to hide the fact that she was told twice by the Plaintiff that he was being coerced into signing these documents. She knew the Plaintiff had no access to money to hire counsel, and she knew that none would be consulted because she had arranged this to be the case, via her complete control of the Court, and the bias of the Court. These paragraphs constitute lies and entrapment and are not statements pertinent to any divorce. Defendant did not have counsel and has testified that he was coerced into signing both the Stipulation and the Decree of Divorce.

3. The Court denied the request of the Plaintiff to grant a divorce and then have a property settlement trial, because in the Court's own words, the Plaintiff needed more "incentive". It was the Courts position that if the Plaintiff married prior to the trial, his wife may have had access to money to hire counsel. Therefor, to insure there would be no counsel for the Plaintiff at the Dec. 2, 1992 trial date, the Court refused this benign request. There can't be any other reason for the denial since the economic hardship was pointed out in the garnishment hearing. As usual, the Court was deaf, and blind to any request by a person acting pro se.

4. At that time the Plaintiff was ordered by this Court to pay the idler, half of his wages, which violates the Law, but this Court of inequity never has considered the law, nor the fact that no other court can be found that, has taken alimony from the wages of one Professional Teacher and given it to another Professional Teacher. That sort of thing requires a tweedy bird in charge. Meanwhile the Defendant(the idler) was to enjoy her $3,000/ month of the workers past efforts. It was the Courts feeling that the idler should not get out of practice after 32 years, and that she should be able to squirrel away $2,000 a month for seven months or ten years, or as long as it took to get the Plaintiff to sign away his property, ($14,000 never to be accounted for) , this Court requires no accounting for clients of Marilyn Brown (the Courts little tweedy bird). The $7,000 stolen from the estate from the Alpine Credit Union joint account by Virginia Topham was not considered by the Court since tweedy bird said it was taken prior to a date, set by tweedy bird.

5. The incredible bias of this Court would have the world believe that, Robert H. Peterson, a Professor that teaches calculus, gave Virginia Topham the four-plex (half of the estate), the home ($41,000 equity) her estate (about $32,000) half of his retirement ($65,000) and then turned over to this thief, of thirty two years, another $14,000 from his personal savings account, leaving him with next to nothing after his debts are paid, and did this knowing that the law allows him half of the estate, all without coercion. For this Court then to say there was "no evidence of coercion" requires a blindness unparalleled in the history of inequity.

4. The Court is trying to justify this atrocity by any means. The thinking of the Court that the Plaintiff at one time gave all of his life's work to the idler, and the thief of the marriage and thought that was fair, and then changed his mind is one of the straws the Court is grasping for. This according to this Court of bias would constitute a reason to let this atrocity stand as is. If the Court were correct and no coercion took place, consider the fact that the Plaintiff had no counsel and received 10% and the idler 90% of the estate via the most expensive wheel-spinning-lying -intimidating-coercive counsel available. It would be the duty and the obligation of the Court to make this right. The purpose of having courts in the land is to address inequity and to provide a nonviolent method of settling differences. It is very clear to the Plaintiff, why the divorce courts are filled with violence. The coercive meat grinder I have been through via the gross inequity of this Court would have brought many men to violence.

5. The position the Court has taken in this case is: a; the total of the estate would be under the complete control of tweedy birds client, to include all income, and all real estate, and all bank accounts and the Plaintiff should have no access to any of his accounts, b; to take half of the workers wages for the idler ($3,000/month income), c; to denie the Plaintiff all of his basic constitutional rights (hearing, trial and counsel), d; to refuse any accounting of income or assets of tweedy birds client and to continuously lie to the Plaintiff saying that an accounting would be made. e; to be a party to coercion via the rubber stamping of

any request made by tweedy bird. f; the worker was denied a place to live when by law he owns half of a four-plex because tweedy bird didn't want the Plaintiff to have the same living accommodations as the Defendant, that would have defeated the purpose of the meat grinder of coercion, ordered by tweedy bird and this Court. The Plaintiff was to camp out the rest of his life, if it took that long for the coercion to take effect.

6. Any one of the above, constitute a good and sufficient reason to grant the Plaintiff a trial and a change of venue without the question of coercion being considered. This Court can save a great deal of time and money for both parties by simply conforming to the Law and dividing this estate in half as prescribed by the LAW.

Dated this the 1st day of January 1993.

Robert H. Peterson

Robert H. Peterson acting pro se
Box 435
Springville, Utah 84663
Telephone: (801) 222-8000 ex 550

IN THE DISTRICT COURT OF THE FOURTH DISTRICT

IN AND FOR UTAH COUNTY, STATE OF UTAH

ROBERT H. PETERSON Plaintiff	:	OBJECTION TO THE ORDER AND REQUEST FOR A HEARING
VIRGINIA T. PETERSON Defendant	:	JUDGE HARDING Civil No. 924400839

1. The Plaintiff objects to the Order submitted by Marilyn Brown for and in behalf of the Defendant since the Court has not granted the Plaintiff his constitutional right to a hearing, or any other constitutional right for that matter. The Courts position that, at some place, in some mood, at some time, the Plaintiff , without coercion, granted to the woman that has stolen from the marriage for 32 years, 92 % of the estate in question is absurd. Certainly if the Courts position were accurate, this would point out the need for counsel for the Plaintiff and it would be the Courts duty and sacred obligation, to order a trial and order that his half of the estate be released to him, according to the LAW, for the purpose of obtaining counsel. There is only one thing that stops this from happening and that is the bias of the Court. This Court refuses to consider the right of the Plaintiff to counsel and to a trial. The Court's order that the workers income should be $900/month and the idlers income should be $2,500/month ($2,000 squirreling money) and that she should have total control of both

estates is a criminal act on the part of this Court that clearly disqualifies this Court from further adjudication. The Plaintiff has objected to this atrocity over and over again. At each of these objections the Court has lied to the Plaintiff over and over again concerning accountability of the income from the four-plex and the investments. It is clear this Court does not require accountability for clients of Marilyn Brown. Accounting would reveal too much.

2. The Court also refuses to consider an Order To Show Cause why the Defendant continues to steal the income from the pager and voice mail system assigned to the Plaintiff, by Marilyn Brown, the one that runs this Court. It appears Marilyn Brown has decided not to pay this since the Court will not hold a hearing or allow the Plaintiff access to any of his estate. She directed her client to steal $7,000 from a joint account and close two others that were frozen by the Court and got away with that theft, so why not continue to steal? The Court will hear nothing or see nothing submitted by the Plaintiff because he is acting pro-se. For the Court to allow access to his estate would certainly mean he would get counsel which this Court has refused the Plaintiff for the past nine months. It is clear the Court has a bias for Marilyn Brown and against Robert H. Peterson since he is acting pro-se since every single proposal submitted by Marilyn Brown has been rubber stamped and every submission made by the Plaintiff has been denied no matter how benign that petition might be. The Court would like to cover up the crime committed by Marilyn Brown by coercing and lying to the Plaintiff to obtain his signature. Members of the Bar take

care of their own. The Court has not granted a hearing since this would enable the Plaintiff to put Marilyn Brown under oath and have her testify that she continued this atrocious crime after having been told twice by the Plaintiff that he was being coerced.

2. At a hearing expert witnesses could be called in that would testify that the Plaintiff was coerced into signing away his half of the estate. The Court is not qualified to read the mind of the Plaintiff nor to pass any type of judgement concerning whether the Plaintiff was or was not coerced. However, there is no evidence that the Plaintiff was not coerced and a preponderance of evidence that he was coerced. Clearly 92% versus 8% is evidence of coercion to anyone that is not deaf and blind to the facts.

3. There is no question that the Plaintiff was lied to. The clear evidence that he was lied to is in the Divorce Decree. The Decree states that each party was to pay their own attorney costs and in another place that Marilyn Brown should receive $1,000 from the Plaintiff's personal savings account. These small print additions, from one bargaining session to another, is standard procedure for Marilyn Brown. This is how the Plaintiff is to have something less than half of the Voice Mail lease. Half of this lease is $700/2 or $350.

Dated this day the 26 th day of January 1993.

_____

Robert H. Peterson

Robert H. Peterson acting pro se
Box 437
Springville, Utah 84663
Telephone: (801) 222-8000 ext.550 or 519

IN THE DISTRICT COURT OF THE FOURTH DISTRICT

IN AND FOR UTAH COUNTY, STATE OF UTAH

ROBERT H. PETERSON Plaintiff	:	REQUEST FOR A HEARING
vs.	:	QUALIFIED DOMESTIC RELATIONS ORDER
VIRGINIA T. PETERSON Defendant	:	COMMISSIONER MAETANI Civil No. 924400839

STATE OF UTAH)
:ss
COUNTY OF UTAH)

Whereas the Plaintiff has been denied his basic constitutional rights, the right to an attorney, the right to a trial and the right to a hearing, the Plaintiff requests that this order be set aside so that an appeal can be made to the State Supreme Court. The Plaintiff requests a hearing to consider this matter.

Whereas the Plaintiff has been coerced into signing the Divorce Decree by a conspiracy of this Court namely, Commissioner Maetani and counsel for the Defendant Ms. Brown, the Plaintiff therefore requests a property settlement trial and a Change of Venue.

This conspiracy is as follows;

1. The Court first stripes the opponent of all assets. The Bank accounts in the opponents name are frozen, the accounts in Ms. Browns clients name are not frozen. All joint accounts are frozen after Ms. Browns client has removed all of the assets of those

accounts. If she is caught taking money from frozen accounts that crime is not recognized by the Court as the crime of theft but is given the Courts okey. All investment income is directed to Ms. Browns client to be placed in secret accounts not frozen by the Court. All accumulated moneys from investments in accounts are given to Ms. Browns client. In my case a total of $41,000. All real estate together with all the income from that real estate is then granted Ms. Browns client (house $40,000, four-plex $60,000). These are all unlawful acts but the conspirators are ready for the objections by the opponent. They plot together what will happen in court. It goes like this; Ms. Brown stands up and tells the court what the issues are; what should be said by each person and what the Courts disposition shall be. She sits down and the rest is like water off a ducks back. She writes that disposition up and it is quickly signed. Never at any is there an opportunity for the opponent to have his say. We simply go through the motions of having court. This generates all kinds of records that favor the right client in case of a question. The Court then tells the opponent he has nothing to worry about since there will be an accounting of the money stolen from the bank accounts ($7,000 in my case), the money stolen from the investments and all of the real estate is in good hands. The second lie is like the first. That is that "this is just temporary". These lies are designed to make the opponent thing he will end up with his half of the estate (BY THE LAWS OF THE STATE OF UTAH) if he just keeps his mouth shut and stops objecting to this type of treatment.

2. The conspiracy then moves to the opponents income. Half of the take home pay is garnisheed. This is against the law but who's paying any attention to the divorce laws? The law states that only 25% can be taken. The object here is not to get more money since $30,000 is quit enough, but to keep the opponent from his assets and his income so that he will have no possibility of having counsel. This criminal act was done with $30,000 in cash of the family investments available to Ms. Browns client. This action insures the conspirators that the opponent will not have counsel and can be told any number of lies. It also assures that the estate will become that of the clients since at $2,500 a month with no mortgage payment for the idler, and $900 a month for the worker with a mortgage payment and his own housing costs to pay, the client can steal $2,000 a month away in secrete accounts. Money stolen from the marriage over the years is labeled "inherited" and thus Ms. Browns client never reveals her estate or her retirement so that she can take half of the opponents.

3. The third technique is very simple just spin wheels. The Court is just to busy to have a trial. But if the opponent wants a divorce and a property settlement at a later date he is told that would cause him to loose his "incentive" to settle. Settle means to hand everything over. The opponent has his choice he can give the conspirators his estate at $2,000/month with the wheel spinning techniques of Ms. Brown or sign it all over at one time. I lasted seven months. My health and my ability to perform my work were at risk. It was clear this conspiracy would not allow a fair trial so

the only hope to have my constitutional rights restored was through the appeals court.

This criminal conspiracy was more than I could handle. When Ms.Brown said she would give me my income back if I would sign over the estate and she would allow money to pay my doctor bills and debts, that appeared to be my opportunity to break the conspiracy. By selling my truck I am now debt free with no valuable assets of any kind. This was seen by me at the time as a means of escape from the criminal conspiracy that worked so well to circumvent the divorce laws of the state of Utah.

In this conspiracy it does not matter what is written in the Divorce Decree. Self contradiction is okey. You can say in one place each party shall pay his or her own attorneys fees and in another the opponent is to pay Ms. Brown $1,000. You can lie about the the opponents consultation with an attorney and you can lie about the coercion of the opponent, and the Court will not recognize those lies and set the matter for trial as he is required to do by the law.

Only those parts that involve getting money from the opponent are recognized by the conspirators. In my case I was awarded half of the lease for the pagers and the voice mail system. That is $700 (voice mail lease) plus $195(pager lease) plus $97.5(pager lease) or 992.5/2 = $496.25/ month beginning Oct. 10, 1992. At this writing there is $2,977.50 stolen by the Defendant from the Plaintiff for the past six months. This and the tidbit about paying your own attorney's fees were put in the Divorce Decree to get the Plaintiff's signature.

There never was any intention to abide by this since the conspiracy is in tact. It will certainly be interesting to see what razzel-dazzle-legal-smeagle the conspirators come up with to circumvent the responsibility for this theft. However the QUEEN OF LIARS AND THE MASTER OF COERCION will certainly have something that sounds legitimate. Please don't use the "it's okey to steal before a certain date set by me, routine" that's getting old.

Signed this day the 22nd day of March 1993.

Robert H. Peterson

Robert H. Peterson Plaintiff

Robert H. Peterson acting pro se
1373 East 400 South,
Springville, Utah 84663
Telephone: (801) 222-8000 ext.550 or 519

IN THE DISTRICT COURT OF THE FOURTH DISTRICT

IN AND FOR UTAH COUNTY, STATE OF UTAH

ROBERT H. PETERSON Plaintiff	:	REQUEST FOR A HEARING
vs.	:	QUALIFIED DOMESTIC RELATIONS ORDER
VIRGINIA T. PETERSON Defendant	:	COMMISSIONER MAETANI Civil No. 924400839

1. Whereas the Plaintiff has been denied his basic constitutional rights, the right to an attorney, the right to a trial and the right to a hearing, the Plaintiff requests that this order be set aside so that an appeal can be made to the State Supreme Court. The Plaintiff requests a hearing to consider this matter.

2. Whereas the Plaintiff has been coerced into signing the Divorce Decree by a conspiracy of this Court namely, Commissioner Maetani and counsel for the Defendant Ms. Brown, the Plaintiff therefore requests a property settlement trial and a Change of Venue.

3. Whereas the Defendants latest fraud is the matter of a $3,500 tax deduction. The QUEEN OF LIARS has written in her perverted Divorce Decree, that she would pay the two years of back payments due on the home in question, with part of the $14,000 in cash given to her by the Plaintiff from his personal savings account on the day before her perverted Divorce Decree was signed. However, since the conspiracy is in tact she decided not to pay that until 1993.

By so doing the QUEEN OF LIARS could save her client $3,500 on next years taxes. All of the other thefts committed by the QUEEN OF LIARS have been overlooked by this Court so why not one more for the road? This would also give the QUEEN OF LIARS and her client the mortgage payments for October, November and December. Since no accounting is required for the Queen's client this $1,600 might just as well be added to the theft for a grand total of $5,100.

4. In addition to the above theft of $5,100 there is the matter of the pager/voice mail system lease income. Half of this was to be paid to the Plaintiff beginning Nov. 10 and is now seven months in the rears. The amount outstanding is now $ 3,473.75 for a total of $8,573.75 owed to the Plaintiff as stipulated in the QUEEN OF LIARS perverted Stipulation. She of course never had any intention of paying these amounts or abiding by the perverted Stipulation she wrote. Those items were put in there to get my signature by fraud and coercion.

5. The Courts refusal to grant a hearing is understandable since the Court knows that expert witnesses would be available at that hearing to testify that my signature was obtained by coercion and that the QUEEN OF LIARS was told twice that I was being coerced. The Courts refusal to grant a hearing and the Courts refusal to hear the testimony of the expert witnesses verifies the conspiracy. This clearly constitutes malfeasance of office. It is malfeasance of office to sign the pack of lies having no accountability, created by the QUEEN OF LIARS.

Dated this day the 3rd day of May 1993.

Robert H. Peterson

Robert H. Peterson (Plaintiff)